

REMARKS

A. CLAIMS 45, 47-48, 50-51, 54-57, 60-61, 63-65, 67, 69, 72-73 and 75-77

Applicants note that the Examiner has not set forth an objection to, or rejection of, claims 45, 47-48, 50-51, 54-57, 60-61, 63-65, 67, 69, 72-73 and 75-77. Applicants presume these claims have been allowed by the Examiner.

B. THE SECTION 112 REJECTIONS OF CLAIMS 1, 3-4, 6-19, 21-23, 25, 27-32, 34-36, 39-44, 79-83

Claims 1, 3-4, 6-19, 21-23, 25, 27-32, 34-36, 39-44, and 79-83 were rejected under 35 U.S.C. §112. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

(i) Claims 1, 3-4, 6-19, 21-23, 25, 27-32 34-36 and 39-44

In the Office Action the Examiner states that independent claims 1, 25 and 39 are “incomplete for omitting essential structural cooperative relationships of elements”.

Applicants disagree with the Examiner’s statement because it is clear from the claims that the structure in claim 1 is a “frame selection system”, and a “device” in claims 25 and 39. That said, to more particularly point out the structure of these claims Applicants have revised claim 1 (and its dependent claims) to indicate that the frame selection system comprises a “base station” and a “frame selection unit”. Similarly, Applicants have revised claims 25 and 39 (and their dependent claims) to indicate the device is a “frame selection unit”. Accordingly, Applicants respectfully request reconsideration, withdrawal

of the pending rejections and allowance of claims 1, 3-4, 6-19, 21-23, 25, 27-32 34-36 and 39-44.

(ii) Claims 79-83

With respect to claim 79 (and its dependent claims) the Examiner states that it is a “method claim which lacks any method steps”. Applicants respectfully disagree.

Claim 79 clearly discloses a combining step. More particularly, this combining step combines “an acceptable portion of an enhanced frame comprising at least one error burst representation that includes an error start indicator and an error length indicator with an acceptable portion of an enhanced frame copy having substantially the same data, structure and format of said at least one enhanced frame based on an error burst representation within each frame to form a combined frame of a higher quality than the enhanced frame at least during a soft-handoff.”

Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 79-83.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

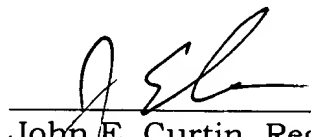
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

By



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